D.B. CIVIL SPECIAL APPEAL NO.3/2006
(Mitha Lal V/s Uttam Chand and ors.)

5.1.2006

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE R.P.VYAS

Mr.A.K. Khatri, for the applicant/s.

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This special appeal is directed against the order passed by the learned Single Judge on 16.5.2005 dismissing the appeal filed against the order passed by the lower Apellate Court, namely, Additional Dist. Judge, Sojat camp Jaitaran.

By the order under appeal before the learned Single Judge, application under Order 41 Rule 19 C.P.C. had been dismissed on 3.10.2002. In view of the amendment made in the Civil Procedure Code, no letters patent appeal lies against the order passed by the learned Single Judge in an appeal against decreed order. Therefore, this appeal is not maintainable.

The appeal is, therefore, dismissed.

(R.P.VYAS)J (RAJESH BALIA)J.

SS/-